

Snapshots on Diversity in the Legal Academy

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Abstract

This article presents a set of snapshots of diversity in the legal academy in response to the call by Steven Vaughan (in 'The state of the nation: diversity and the British legal academy' (2016) 50(2) The Law Teacher 255) for greater engagement with, and discussion of, the challenges of diversity within the legal academy. Given the pending anniversaries and historic landmarks, the focus is on the gender balance of students, staff and leadership, the nationality of students and staff (in light of Brexit) and a short note on the place of law within academic institutions (in light of the radical changes proposed by the regulatory body for qualification as a solicitor) which is cross-tabulated with the data on law school leadership and gender. It also references other areas of equality. Further studies of diversity in legal academia are forthcoming but this piece provides a timely contribution.

Keywords

diversity; equality; law schools; legal academy

1. INTRODUCTION

There have been some historic diversity landmarks within the law profession in the recent past with more to come close on the horizon. The autumn of 2017 saw the appointment of the first female President of the Supreme Court¹ and a second female Justice of the Supreme Court as well as the appointment of Mr Justice Singh as the first non-white judge to sit in the Court of Appeal.² 2017 also saw the proportion of women and men who are practising solicitors reach 50:50 – the number on roll, as opposed to practising, having reached parity the year before.³ 2018 saw the 130th anniversary of Eliza Orme becoming the first woman in

¹ 'Biographies of the Justices' (UK Supreme Court) <<https://www.supremecourt.uk/about/biographies-of-the-justices.html>> (accessed 23 January 2018).

² 'New appointments to Supreme Court and Court of Appeal' (Gov.uk, 21 July 2017) <<https://www.gov.uk/government/news/new-appointments-to-supreme-court-and-court-of-appeal>> (accessed 23 January 2018).

³ Practising Certificate figures for 2013-2017 show the percentage of women being (2013) 47.68%, (2014) 48.20%, (2015) 48.85%, (2016) 49.5% and (2017) 50.1% and 'on the Roll' figures are even greater (49.68% in 2015 and exceeding parity in 2016 at 50.2% rising to 50.8% in 2017). More women than men have qualified as

England to graduate with an LLB and it saw the first two majority female panels in the UK Supreme Court.⁴ 2019 will see the centenary of the Sex Disqualification (Removal) Act 1919 – the Act which, among other things, made women eligible to become solicitors and barristers for the first time. 2020 will mark 100 years since Ivy Williams became the first woman legal academic⁵ and 50 years since Claire Palley became the first woman to be appointed to a law professorship in the UK.⁶ Steven Vaughan, in a preliminary piece in *The Law Teacher*, has called for a wider debate on diversity looking at the legal academy (not just the profession), and not just at sex but other characteristics too.⁷ This article is not intended to be a definitive, all-encompassing account of diversity in legal academia but to make an original, rigorous and limited contribution to that significant debate.

The benefits of diversity are manifold and include meeting legal requirements, reducing wasted capacity, improving morale, boosting business performance and innovation and, less self-centredly, supporting equity, equality and social justice.⁸ However, diversity is not limited to the characteristics protected by equality legislation but can also include such matters as diversity of background⁹ and, more broadly, of viewpoints and even diversity of institutions and the place of Law within them (law schools not being cookie-cutter clones but having different specialisations, underpinnings and foci). 2019 has already seen the

solicitors for over 20 years now (the 2017 figures being 61.6:38.4 (f/m)). Data drawn from Law Society Annual Reports, see e.g. <https://www.lawsociety.org.uk/Law-careers/Becoming-a-solicitor/Entry-trends/>.

⁴ The first being *In the matter of D (A Child)(Expedited)* UKSC 2018/0064 on 3rd October (Lady Hale, Lord Carnwath, Lady Black, Lord Lloyd-Jones and Lady Arden) judgment pending and the second being *Robinson (formerly JR (Jamaica)) v Secretary of State for the Home Department* [2019] UKSC 11 on 15th November (judgment of 13 March 2019) (Lady Hale, Lord Wilson, Lady Black, Lord Lloyd-Jones and Lady Arden).

⁵ Rosemary Auchmuty, 'Early Women Law Students at Cambridge and Oxford' (2008) 29(1) *The Journal of Legal History* 63.

⁶ Fiona Cownie, 'The United Kingdom's First Woman Law Professor: An Archerian Analysis' (2015) 42 *Journal of Law and Society* 127.

⁷ Steven Vaughan, 'The state of the nation: diversity and the British legal academy' (2016) 50(2) *The Law Teacher* 255, 256-257.

⁸ See e.g.: Fiona Cownie, 'Women Legal Academics: A New Research Agenda?' (1998) 25 *Journal of Law and Society* 102, 103-105 re women; Steven Vaughan, 'The state of the nation: diversity and the British legal academy' (2016) 50(2) *The Law Teacher* 255; Clare McGlynn, 'The business of equality in the solicitors' profession' (2000) 63 *Modern Law Review* 442, 447-448 and Cedric Herring, 'Does Diversity Pay?: Race, Gender, and the Business Case for Diversity' (2009) 74 *American Sociological Review* 208 re the 'business-case' and Feenan, Hand & Hough, 'Life, work and capital in legal practice' (2016) 23 *International Journal of the Legal Profession* 1, 3 re business not necessarily being the prime consideration.

⁹ See, e.g., Mark Davies, 'Educational Background and access to legal academia' (2018) 28 *Legal Studies* 120-146 (online first view: doi:10.1017/lst.2017.5); Jessica Guth & Kathryn Dutton, 'SQE-ezed out: SRA, status and stasis', (2018) 52(4) *The Law Teacher* 425-438; Ronit Dinovitzer and Meghan Dawe, 'Early legal careers in comparative context: evidence from Canada and the United States' (2016) 23(1) *International Journal of the Legal Profession* 83; Louise Ashley and Laura Empson, 'Differentiation and discrimination: Understanding social class and social exclusion in leading law firms' (2013) 66(2) *Human Relations* 219.

commencement of a pilot stage for the SRA's controversial Solicitors Qualifying Examination (SQE), which will be introduced formally in the autumn of 2020. This could see some institutions homogenising their LLB content to meet its requirements while others may focus on the liberal rather than professional aspects of law study.¹⁰ The exit of the United Kingdom from the European Union also looms, and with it the potential effect on curriculum and on students and staff. The next few years may thus be a very apt time to survey the current state of the legal academy, possibly along the lines of the Wilson and the Harris¹¹ surveys or, given the greater availability of information these days, utilising online sources. This article is not, however, intended to be that overview. Nor is it intended to be an all-encompassing survey of diversity and the multiplicity of intersections within it. Rather, it is intended to present some topical, statistical snapshots of diversity, broadly-speaking, in the legal academy in light of the sex discrimination landmarks and the advent of both the SQE and Brexit.

It must be noted, however, that the availability of statistics, while overall better than in the past, nonetheless remains patchy. The Higher Education Statistics Agency (HESA) gathers a wealth of statistics but procuring these can be a lengthy and expensive business and is, generally justifiably, strictly regulated.¹² While some data is available freely, more detailed data attracts a charge (to help offset the costs of gathering the data) and, while some of the free data is broken down by broad subject, law is included within a broader cost centre

See, e.g. Patricia Leighton, 'The LLB as a liberal degree? A re-assessment from an historical perspective' (2015) 22 *International Journal of the Legal Profession* 87; Jessica Guth and Chris Ashford, 'The Legal Education and Training Review: regulating socio-legal and liberal legal education?' (2014) 48 *The Law Teacher*, 5; Kirsten Maslen, 'Academic Legal education: how will the SQE affect the market?' (*Thomson Reuters Legal solutions UK & Ireland blog*, 27 April 2017) <https://blogs.thomsonreuters.com/legal-uk/2017/04/27/legal-education-will-sqe-affect-market/> accessed 20 June 2017; Jessica Guff, 'The SQE, Law Degrees and Socio-Legal Studies' (*SLSA Blog*, 5 May 2017) accessed 7 May 2017; Jessica Guth & Kathryn Dutton, 'SQE-ized out: SRA, status and stasis', (2018) 52(4) *The Law Teacher* 425-438; Ben Waters, 'The Solicitors Qualification Examination: something for all? Some challenges facing law schools in England and Wales', (2018) 52(4) *The Law Teacher*, 519-527.

¹¹ See e.g. John Wilson, 'A First Survey of Legal Education in the United Kingdom' (1966) *Journal of the Society of Public Teachers of Law* 5; John Wilson, 'A Third Survey of Legal Education in the United Kingdom' (1993) 13 *Legal Studies* 143; Phil Harris and Martin Jones, 'A survey of law schools in the United Kingdom, 1996' (1997) 31 *The Law Teacher* 38; Phil Harris and Sarah Beinart, 'A survey of law schools in the United Kingdom, 2004' (2005) 39 *The Law Teacher* 299.

¹² HESA's Agreement for the Supply of Information Services runs to at least 28 pages and requires, inter alia, adherence to anonymising principles. Furthermore, if institutions are identifiable they are given the opportunity to redact the information by request (clause 4.7).

group.¹³ If meeting the charge is no problem, changes in policy (necessary to improve the ongoing service) nonetheless hinder the tracking of figures over time. For example, the Law Cost Centre has only been used since 2012/13 and, while the academic discipline field goes back further, it describes the qualification held rather than the subject taught; and, indeed, while they are a reasonable proxy, neither precisely present the picture within law schools. Furthermore, data on certain characteristics collated by HESA and others is limited through a low response rate (while disclosure of some characteristics is mandatory or self-evident, for others it is discretionary).¹⁴ HEFCE (the Higher Education Funding Council for England, now superseded by the Office for Students and Research England), as a funder and regulator, were, as they note in the preface to various equality tables, “in a unique position to take an overview of the English Higher Education sector, analyse data on a national basis and provide centralised guidance and support”.¹⁵ However, their focus is less granular than one may hope and was also apt to change. Thus, while equality and diversity data tables showing staff and student profiles were published in May 2014 and May 2015, showing such valuable information as student, senior management, academic and support staff by gender, race, disability and age, Law is not included as a subject in the 2015 publications.¹⁶ Likewise, a breakdown of students by subject, institution, gender and domicile was published as contextual information to the Teaching Quality Information data from 2008 but ceased to be included after 2011.

This article draws on publicly available data from the Higher Education Statistics Agency (HESA) and the Universities and Colleges Admissions Service (UCAS), bespoke data from HESA and analyses of other online and hard copy materials to present some statistical snapshots of legal academia. It focuses on a necessarily limited range of topics. The choice of focus should not be taken to mean that the other areas are not important but they may be less topical and some restriction is required given considerations of limited space and

¹³ See, e.g., https://www.hesa.ac.uk/files/pre-release/staff_1516_table_K.xlsx and Cownie’s lament on the paucity of statistics within Fiona Cownie, ‘Women Legal Academics – A New Research Agenda?’ (1998) 25 *Journal of Law & Society* 102, 106.

¹⁴ See e.g. HEFCE, ‘Optional equality and diversity fields report: Analysis of religion and belief, sexual orientation and gender identity fields for 2015-16 entrants 2017/13’.

¹⁵ See e.g. Higher education staff equalities by ethnicity 2015
<<http://www.hefce.ac.uk/media/HEFCE.2014/Content/Working.with.HE.providers/Equality.and.diversity/Objectives.information.and.data/HE%20Student%20Equalities%20tables%20by%20Ethnicity%202013-14.pdf>> and other tables at <<http://www.hefce.ac.uk/data/year/2015/eddata/>>.

¹⁶ <<http://www.hefce.ac.uk/data/year/2015/eddata/>> and <<http://www.hefce.ac.uk/data/year/2014/eddata/>>.

resources and to aid clarity (social class or being the first in the family to attend university is, for example, one area where open granular data is lacking at the student and staff level¹⁷ although Mark Davis has notably used educational background as proxy for social class in his recent study).¹⁸ In this article, firstly, aspects of diversity within the student body will be analysed, focussing on undergraduates, before going on to look at what selective, bespoke figures from HESA say about the position with regard to legal academic staff. Drawing on other data, the analysis regarding staff will then move on to a more detailed focus on heads of departments before broadening the focus to consider the position of law within faculties.

2. THE SNAPSHOTS

2.1. Students

There is a wealth of data regarding students but with that comes the possibility of contradiction and confusion, as different aspects are being measured and presented.¹⁹ If one reads the Law Society's Entry Trends, it could be said that 2015/16 saw the proportion of female law students exceeding two-thirds of new entrants for the first time. The page, drawing on the Annual Report,²⁰ said that "In 2015-16, 23,855 UK students applied to study law at undergraduate level in England and Wales, out of whom 17,335 UK students were accepted on to courses" and that of those accepted 67.3% were female and 32.7% were male (this was up from 64.8% in 2014, when 21,775 people were accepted onto courses and 62.4% in 2012 when 20,070 were accepted).²¹ Disproportionality either way is not something to be celebrated but it is a landmark figure nonetheless. However, the HESA figures from table 4a

¹⁷ HESA and UCAS have produced data from time to time at the University level (see e.g. the 2015 UCAS report at <https://www.ucas.com/file/10761/download?token=f1U3k5V-> and the 2010 HESA data analysed by the Guardian at <https://www.theguardian.com/news/datablog/2010/sep/28/social-class-university-data#data>). The Guardian do note, however, without making the granular data available that 34.1% of Law students come from routine/manual occupation backgrounds which is just above average).

¹⁸ Mark Davies, 'Educational Background and access to legal academia' (2018) 28 *Legal Studies* 120-146 (online first view: doi:10.1017/lst.2017.5)

¹⁹ For example, a dissection of the mistakes in a Sunday Times article – which conflated degrees and first degrees in asserting that numbers of British students were falling and were being pushed out by foreign students – can be seen in David Morris 'What the Sunday Times got wrong on 'crowding out' British students' *Wonkhe* (August 7, 2017) < <http://wonkhe.com/blogs/what-the-sunday-times-got-wrong-on-crowding-out-british-students/>> accessed August 10, 2017.

²⁰ The Law Society, 'Trends in the solicitors' profession: Annual Statistics Report 2015' (Law Society, June 2016).

²¹ The Law Society, 'Entry Trends' < <https://www.lawsociety.org.uk/Law-careers/Becoming-a-solicitor/Entry-trends/>> accessed 4 April 2017 (and in previous years). In 2016-17 the ratio increased marginally to 67.5:32.5.

of Statistical Release 242, show the gender breakdown for 2015/16 full-time first year student enrolments to be 63.6% female and 36.4% male based on 22,035 students enrolled (and 63%/37% in 2014 with 21,525 were enrolled).²² Taking a slightly different angle, UCAS report that the number of acceptances for law subjects in 2016 was 24,300 with a breakdown of 65.8% female and 34.1% male (and 23,695 and 64.8%/34.1% the year before).²³ All these figures may record slightly different aspects, but, nonetheless, the overall picture is clearly similar.

Taking the UCAS figures, illustrated in Figure 1, the number of female law accepted applicants has increased every year bar one between 2007 and 2016 (with a temporary dip in 2012) and the number of male law accepted applicants has increased every year bar two (with dips in 2010 and 2012). Similarly the number of Asian and Black accepted applicants have increased each year bar one each (with dips in 2010 and 2015 respectively). The figures for declared disability do not lend themselves to graphical representation so well but again the numbers of accepted applicants have increased each year going up from 4.08% in 2010 to 7.03% in 2016.

[Fig 1 - UCAS Law Acceptances 2007-2016 by sex and by ethnic group - go around here]

More starkly, analysing the UCAS figures lays bare the differences between EU27 (i.e. excluding the UK) and non-EU acceptances across the diverse university sector. The trend in the past ten years has been, generally, slightly upward in acceptances of international students. These acceptances across the sector have generally accounted for between 2.5% and 7.5%, with the exception of 'old' universities (i.e. those with university status before the 1992 expansion) and specifically the Russell group who have significantly more non-EU students (but which have seen a slight dip in 2016) as illustrated in Figure 2.

²² HESA (2017) Higher education student enrolments and qualifications obtained at higher education providers in the United Kingdom 2015/16 Statistical First Release SFR242 (12 January 2017) <https://www.hesa.ac.uk/news/12-01-2017/sfr242-student-enrolments-and-qualifications> reproduced under CC By 4.0 licence <https://creativecommons.org/licenses/by/4.0/>.

²³ UCAS (2016), Applications and acceptances for types of higher education course – 2016 <https://www.ucas.com/data-and-analysis/ucas-undergraduate-releases/ucas-undergraduate-end-cycle-data-resources/applications-and-acceptances-types-higher-education-course-2016>.

[Fig 2 - UCAS Acceptances showing EU and Rest of the World nationality by Pre/post 92 (left) and Mission Group (right) – goes around here]

Looking at sector-wide, or even subdivisions of the sector as above, may hide the different pictures within institutions. Moving from acceptances to total figures, HEFCE freely published contextual data alongside the Teaching Quality Information from 2008 to 2011.²⁴ In 2011, the average number of full-time first degree students in Law (excluding the outlying 21 institutions with fewer than 65 students) was 573.5 with a standard deviation of around half of the mean.²⁵ We have excluded the smallest institutions to seek to show a more focussed and accurate snapshot.

In none of those institutions were there more male students than female students though Buckingham and Durham were at parity (as was Durham in 2010 when Buckingham was 48 female:52 male, the only instance for any of these universities in this timeframe when female students were in the minority). While four universities' percentage of female students were more than 7 points over the average in 2011,²⁶ this is down from seven universities in 2008 and there appears to have been a subtle but discernible move towards the mean (as can be seen in Figure 3).²⁷ This is in contrast to the position regarding overseas domicile. The risk of immigration restrictions does not fall equally across the academy. The figures show an average of 14.74% overseas domiciled students in 2011 (up from 12.54% in 2008) but here the standard deviation is around 12 and a quarter of the 96 universities are more than 7 points over the average. Indeed, the ten universities with the highest numbers average just over 40% (or just under if Buckingham – whose average was 50% higher than the next highest – is excluded). These historic snapshots suggest that if Brexit were to make the UK a less attractive destination the effect will not be evenly felt by institutions.

[Fig 3 - Percentage distribution of male and female law students across 96 HEIs (2011)
– goes around here]

²⁴ E.g. <<http://www.hefce.ac.uk/lt/nss/results/2008/>>.

²⁵ 292.0 to be exact. Including the very small providers the average was 497.7 with a standard deviation amounting to around 2/3 of the mean.

²⁶ Namely, Brunel, Robert Gordon, West of Scotland, Westminster and University of Wales, Newport.

²⁷ This contrasts with the situation at postgraduate level: taught full-time figures show an average gender split of 51:49 in favour of female students but that hides a standard deviation of over twice the undergraduate level and some smaller providers (30-40 students) having, for example, 75% female or 90% male cohorts.

Turning briefly to ethnicity, HESA figures, illustrated in Figure 4 below, show that law is one of the more diverse subject areas.²⁸ While it is near, but not at the top of, the subjects with the most Asian or black or mixed/other ethnic students, when looking at the combined figures for 2015/16 no subject area had a smaller proportion of white students, at just over 64%. Gamsu and Donnelly have studied segregation within subjects based on 14/15 figures, as part of a wider study, and while Law is only mentioned in their IPR briefing paper once,²⁹ supporting the above figures, they have also made available subject entropy figures by university. These indicate how homogenous or heterogeneous subjects and universities are (and allow a greater level of granularity than the broad headings used in the published HESA figures). Analysis of these figures shows that Law was among the most heterogeneous of subjects (with only Medicine scoring higher on average and with business within one percentage point) and that in 81 of the 103 universities shown as offering law, the subject is more heterogeneous than the university as whole. Narrowing down to the Russell Group 17 of the 23 are more heterogeneous than their university (i.e. 73.9% against 78.6% for non-Russell Group).³⁰ The simple subject entropy score, however, shows a more marked difference with the Russell Group averaging at a still reasonably high 0.4026 against the non-Russell Group 0.5134 (where 1 shows a heterogeneous population which is balanced among different ethnic groups).

[Fig 4 – Full-time HE student enrolments - UG Law - by ethnicity 2015/16 (from HESA Statistical First Release 242 Table 6a) – goes somewhere within (or after) the previous paragraph]

²⁸ HESA (2017) Higher education student enrolments and qualifications obtained at higher education providers in the United Kingdom 2015/16 Statistical First Release SFR242 (12 January 2017) <https://www.hesa.ac.uk/news/12-01-2017/sfr242-student-enrolments-and-qualifications> reproduced under CC By 4.0 licence <https://creativecommons.org/licenses/by/4.0/>.

²⁹ Sol Gamsu and Dr Michael Donnelly, 'Diverse Places of Learning? Home neighbourhood ethnic diversity and the ethnic composition of universities' (University of Bath Institute for Policy Research, 2017) <http://www.bath.ac.uk/publications/diverse-places-of-learning-home-neighbourhood-ethnic-diversity-ethnic-composition-of-universities/attachments/Diverse-places-of-learning.pdf> accessed 16 August 2017.

³⁰ This tendency for law to be more heterogeneous is also borne out Bleasdale and Humphreys' study into resilience at the University of Leeds where, beyond ethnicity and covering age and class, Geography's homogeneity stands in contrast to Law's diversity (Lydia Bleasdale and Sarah Humphreys, 'Undergraduate Resilience Research Project: Project Report' (Leeds Institute for Teaching Excellence, 2018), 16-17 http://teachingexcellence.leeds.ac.uk/wp-content/uploads/2018/01/LITEbleasdalehumphreys_fullreport_online.pdf accessed 20 January 2018.

Looking at the HESA declared disability figures for 2015/16, the picture is less inclusive with law falling near the top of the bottom quartile for undergraduates (and for total students) and coming 14th out of 19 ordinarily, ahead only of architecture, medicine, maths, engineering and business areas.

2.2. Staff

It is not yet a hundred years since Ivy Williams became the “first woman legal academic”³¹ in England, in 1920, some two years ahead of her being the first woman called to the English and Welsh Bar.³² It was not until 1950 that the Society of Public Teachers of Law admitted their first woman member (having changed the definition of eligible lecturers so that it referred to “persons” rather than “gentleman” the year before).³³ By 1997, McGlynn reported that 40% of legal academic staff were women (with 35% in old universities and 45% in ‘new’, post-1992, universities).³⁴ Cownie noted the paucity of available statistics in her 1998 article.³⁵ Things have changed a little since then but, as noted above, limitations remain even when procuring bespoke statistics. We sought to provide a series of five-yearly snapshots from 2000/01 through to the most recent available statistics from 2015/16 focusing on gender and nationality. However, not infrequent changes in policies rendered that impossible with data prior to 2003/04 not being comparable to the more recent data and the changes in cost code and academic discipline mentioned above. Nonetheless, some pictures can be discerned but must be viewed with care.

The HESA record for staff in higher education providers shows the number of academic staff with a Law academic discipline code (based on the staff member's academic qualification and not necessarily the academic subject in which they may be teaching or researching) at UK HE

³¹ Rosemary Auchmuty, ‘Early Women Law Students at Cambridge and Oxford’ (2008) 29(1) *The Journal of Legal History* 63. As Auchmuty points out Dr Williams was a college tutor and lecturer from 1920-1945 but in Oxford and Cambridge terms was never a University Lecturer (at 88-89).

³² --, ‘English Bar Calls Woman’ *New York Times* (New York, 11 May 1922) 12
<http://query.nytimes.com/mem/archive-free/pdf?res=9C05E5DC1439EF3ABC4952DFB3668389639EDE>
accessed 7 August 2017.

³³ Philip H Pettit, ‘The Society of Public Teachers of Law – the first seventy-five years’ (1983) 3 *Legal Studies* 231, 232-233.

³⁴ Clare McGlynn, ‘Women, representation and the legal academy’ (1998) 19 *Legal Studies* 68, 75-76.

³⁵ Fiona Cownie, ‘Women Legal Academics – A New Research Agenda?’ (1998) 25(1) *Journal of Law & Society* 102, 106.

providers increasing by around 15% between 2005/06 and 2010/11.³⁶ The male/female ratio in 2005/06 was 53:46 and becomes an even more equitable 51:49 in 2010/11. If one limits the analysis to those with open-ended/permanent contracts the figures marginally change to 55:45 and 52:48. Moving the focus on to 2015/16, the basis changes and cost code figures are available as are ‘current academic discipline’ (which in contrast to the previous academic discipline designates the subject, or subjects, in which the member of staff is currently working). The difference in total number of staff between cost code and current academic discipline is 55 and is around 20% higher than the non-directly comparable figure in 2010/11 (at 5,450).³⁷ The picture in 2015/16 shows either a 50:50 split based on discipline (with women slightly in the majority in absolute figures)³⁸ or a 49:51 split based on cost code. However, when drilling down to contract type the position is reversed with male lectures still being in the majority when it comes to permanent contracts (at 52:48 and 51:49 respectively). Putting these figures in a broader context, Law is one of four cost centres closest to parity in 2015/16 (along with the smaller cost centres of Classics, Anatomy and Physiology, and Pharmacy and Pharmacology).

Female		2780	Male		2665
<i>of which</i>	Open-ended/Permanent	1965	<i>of which</i>	Open-ended/Permanent	2060
	Fixed-term	815		Fixed-term	610

Table 1. HESA Staff Record 2015/16 - The number of academic staff within the Law cost centre at UK HE providers 2015/16 (see n36)

[Fig 5 – HESA Staff Record 2015/16 - Academic Staff by Cost Centre (dark grey = female and light grey = male) (see n36) – goes around here]

³⁶ Source(s): HESA Staff Record 2015/16; HESA Staff Record 2010/11; HESA Staff Record 2005/06; HESA Staff Record 2000/01. Copyright Higher Education Statistics Agency Limited. Neither the Higher Education Statistics Agency Limited nor HESA Services Limited can accept responsibility for any inferences or conclusions derived by third parties from data or other information supplied by HESA Services.

³⁷ Figures are subject to the HESA rounding and suppression strategies and the rounding strategy here makes this figure different by 5 from the sum of the male and female figures in table 1.

³⁸ At 2,715 female and 2,680 male (rounded to nearest 5).

Vaughan has commented on the ethnicity of academic law staff in 2013/14 and it would add little to repeat or update that here.³⁹ However, given the looming exit of the UK from the European Union, it is worth looking at the most recent nationality figures. Academic staff within the Law cost centre at UK HE providers in 2015/16 were drawn from 102 nationalities where nationality was known (whereas in 2005/06 the Law academic discipline comprised at least 72 nationalities).⁴⁰ As set out in more detail in Table 2, UK nationals made up over 71% of the cost code with nationals from the other EU countries comprising a further 16.6%. Just over 6% were Commonwealth nationals coming from 31 countries (including the two other European Commonwealth countries). Ireland on its own accounted for a further 3.8%. The top 5 EU countries, led by Ireland, account for 74% of EU nationals and the rounded figures are illustrated in Table 3; the bottom 12 would, under the HESA rounding rules, all be recorded as either 0 or 5 in absolute terms.⁴¹

Nationality Grouping	No. of academics	No of countries	% of academics
UK, CI and IoM	3885		71.26%
EU27	905	27	16.62%
Aus/NZ	105	2	1.94%
Africa	90	17	1.61%
US	85		1.54%
SE-Asia	70	10	1.24%
Europe - Non-EU	65	14	1.24%
Canada	60		1.07%
Not known	55		1.01%

³⁹ Steven Vaughan, 'The state of the nation: diversity and the British legal academy' (2016) 50(2) The Law Teacher 255, 260-262.

⁴⁰ Nationality was recorded as unknown for 0.99% of legal academics in 2015/16 but was 4.3% in 2005/06.

⁴¹ Namely, Latvia, Lithuania, the Czech Republic, Malta, Estonia, Luxembourg, Slovakia, Croatia, Bulgaria, Sweden, Slovenia and Hungary.

China & HK	50	2	0.88%
Middle East	30	6	0.58%
South America	25	7	0.50%
Caribbean + Central America	10	6	0.22%
Far East	10	2	0.17%
Central Asia	5	2	0.11%

Table 2. HESA Staff Record 2015/16 - The number of academic staff within the Law cost centre at UK HE providers 2015/16 by nationality grouping (see n36)

Ireland	205
Greece	135
Italy {Includes Sardinia, Sicily}	135
Germany	130
France {includes Corsica}	65

Table 3. HESA Staff Record 2015/16 - The number of academic staff within the Law cost centre at UK HE providers 2015/16 from the five most represented EU nationalities (see n34)

The gender balance of nationals is often broadly equal (indeed the 130 Germans are an exact 50:50 split as (following rounding) are the 60 Canadian and the 30 Spanish nationals and the Irish gender balance is 48(male):52(female)). However, there are some marked differences: 60% of the Greek nationals are male and 70% of the French nationals are female.

The overall split between those on open-ended/permanent contracts and those on fixed terms contracts is 74:26 and the UK nationals' split is, perhaps not surprisingly, very similar at 75:25. Of the ten next most represented nationalities, Australia, Canada, France, Germany

and Ireland have above average numbers of permanent/open-ended contracts whereas China (including Hong Kong), Greece, Italy, Nigeria and the United States are lower than average, in some cases quite significantly (see Table 4). The Nigerian split of 55:45 (based on a total of 40 nationals) stands out in the table as even further from the mean than the US nationals' ratio of 66:34. However, the Nigerian split is not common to the Africa grouping as a whole, which shows a 70:30 split based on 90 nationals from 17 countries.

	Australia	Canada	France	Germany	Ireland
Open-ended/Permanent	60	45	50	100	160
Fixed-term	20	15	15	30	45
	China	Greece	Italy	Nigeria	US
Open-ended/Permanent	30	95	100	20	55
Fixed-term	20	35	40	15	30

Table 4. HESA Staff Record 2015/16 - The number of academic staff within the Law cost centre at UK HE providers 2015/16 from the ten most represented nationalities by contract type (see n36)

Shifting the focus to disability, 2017 figures place law tenth in the list of subject cost centres with the highest number of full-time staff with a known disability.⁴² While information about the types of disability are freely available at the sector level, subject level data is not (presumably not least due to the fact the numbers are likely to be very small when disaggregated across the 45 subject areas and analysis would be occluded by HESA's suppression and rounding strategy which is necessary for data protection). The binary 'known disability/no known disability' division across all subject groups gives an average of 3.81% of full-time staff having a disability with law nearly 50% higher at 5.59%. Table 5 lists the top and bottom 10 cost centres. Law is also in the top 10 (again in tenth place) of subject cost centres with the highest representation of disabled staff among staff earning over £60,410

⁴² Source: HESA HE full-time academic staff (excluding atypicals) by cost centre, contract salary, disability, academic employment function, contract levels and academic year (raw data available at <https://www.hesa.ac.uk/data-and-analysis/staff/table-16.csv>). Licensed under Creative Commons Attribution 4.0 International Licence. Percentages calculated from the source data.

(see Table 6). Seven of the cost centres feature in both top 10s but only four of the bottom 10s appear in both lists. It should be noted in passing that the bottom 10s, while including a number of large cost centres, do feature a greater number of small cost centres (such as area studies which with 290 total staff is 10% of average) which may affect the likelihood of having higher paid staff.

Top 10	Disability (number)		Disability (%)		Bottom 10	Disability (number)		Disability (%)	
Cost centre	No known	Known	No known	Known	Cost Centre	No known	Known	No known	Known
Health & community studies	1215	100	92.40%	7.60%	Mineral, metallurgy & materials engineering	970	25	97.49%	2.51%
Nursing & allied health professions	6085	440	93.26%	6.74%	General engineering	2920	75	97.50%	2.50%
Art & design	3580	250	93.47%	6.53%	Physics	4140	105	97.53%	2.47%
Theology & religious studies	440	30	93.62%	6.38%	Chemistry	3425	85	97.58%	2.42%
Philosophy	690	45	93.88%	6.12%	Anthropology & development studies	625	15	97.66%	2.34%
Continuing education	160	10	94.12%	5.88%	Veterinary science	1100	25	97.78%	2.22%
Social work & social policy	1615	100	94.17%	5.83%	Civil engineering	1545	35	97.78%	2.22%
Classics	415	25	94.32%	5.68%	Mathematics	3385	75	97.83%	2.17%
Sociology	1930	115	94.38%	5.62%	Economics & econometrics	1875	40	97.91%	2.09%
Law	3460	205	94.41%	5.59%	Chemical engineering	1040	15	98.58%	1.42%

Table 5. The top and bottom 10s showing disabled staff members by cost centre (see n42)

Top 10 Cost Centre	% with known disability earning over £60,410	Total Size	Bottom 10 Cost Centre	% with known disability earning over £60,410	Total Size
Clinical dentistry	5.56%	740	Earth, marine & environmental sciences	1.74%	2,655
Health & community studies	5.56%	1,315	Civil engineering	1.69%	1,580

Social work & social policy	5.56%	1,715	Economics & econometrics	1.61%	1,915
Art & design	5.41%	3,830	Physics	1.59%	4,245
Education	5.19%	4,665	Electrical, electronic & computer engineering	1.52%	3,615
Nursing & allied health professions	5.15%	6,525	Agriculture, forestry & food science	0.00%	870
English language & literature	5.04%	2,915	Area studies	0.00%	290
Philosophy	4.76%	735	Anthropology & development studies	0.00%	640
Sociology	4.71%	2,045	Catering & hospitality management	0.00%	470
Law	4.59%	3,665	Continuing education	0.00%	170

Table 6. The top and bottom 10s showing percentage of disabled staff members within the staff earning over £60,410 band and the total size of cost centre (see n42)

2.3. Leadership

In 2001, when citing McGlynn's 1997 survey, which revealed

“of the 301 law professors in the UK, 43 were women, making up 14% of the total [and that] fifty seven out of 83 law schools had no women professors at all and in only two law schools did women professors out-number men”,⁴³

Celia Wells commented that few of the law undergraduates “will meet a woman law professor and even fewer will see a female head of department.”⁴⁴ Steven Vaughan updated the situation to 2013 with regard to the number of professors: there were 755 professors (440 of whom were in Russell Group universities) and women comprised slightly over 30%.⁴⁵ The distribution across law schools, however, is not given in that article (that may be forthcoming in the planned follow-on piece) and there is no update there with regard to heads of department.

⁴³ Celia Wells, ‘Working out women in law schools’ (2001) 21 Legal Studies 116, 117 citing Clare McGlynn above n8.

⁴⁴ Celia Wells, ‘Working out women in law schools’ (2001) 21 Legal Studies 116, 116.

⁴⁵ It would appear the percentage was 30.46% (with the Russell Group percentage being 30.68%) but this is stated to be 30% and 31% probably due to HESA's rounding policy which requires the absolute figures to be rounded to the nearest five but allows the percentages to be drawn from pre-rounded figures.

An analysis of the Society of Public Teachers of Law's Directory of Members from around the time of Celia Wells' comment shows that 84% of the 49 English and Welsh law schools listed had a male head of department.⁴⁶ The figure for Russell Group and Post 92 universities show similar male domination and while the old (non-Russell Group) university figure is around 10% closer to parity that represents only one head of department. Moving the focus to today, an examination of the entries for the same institutions in the 2017 directory⁴⁷ reveals that the percentage of those law schools with a male head of department has fallen significantly to 53% with the number of female heads almost tripling in the same period.

[Fig 6 – Heads of Law Schools (England & Wales only) in the 2000 Members Directory for The Society of Public Teachers of Law (left) and for the same 49 institutions in the 2017 Members Directory for The Society of Legal Scholars (right) – goes around here]

Further analysis highlights that this shift is not evident across the whole of the academy. As figure 7 illustrates, between 2000 and 2017 the most significant increase in female heads of law schools has been seen at the post-1992 institutions where the majority are now women. However, the movement towards parity appears to be considerably slower at the older pre-1992 universities with the Russell Group in particular much more likely to be managed by men.

[Fig 7 – Percentage of male and female Heads of Law Schools (2000 and 2017) by type of institution – goes around here]

The above figures compare like with like but the legal education landscape has changed significantly during this timeframe, with the number of HEIs in England and Wales appearing in the SLS directory increasing by almost 70%. While the main driver for the increase has been the post 1992 universities, the older (including one Russell Group member) and the millennial universities each account for around one-fifth of that growth. Widening the analysis to the 83 English and Welsh law schools in the 2017 directory of members, we see the gender balance remains at 53% male and 47% female. However, the picture, set out in Table 7, is not the same across the academy. The Russell Group moves slightly closer to the

⁴⁶ Figures exclude the multi-centre College of Law and BPP.

⁴⁷ The Society of Public Teachers of Law changed its name to the Society of Legal Scholars in 2002. While the directory is no longer in published hard copy it is freely accessible to members online.

mean and shows a similar figure to the post-1992 universities, which see more men than women leading departments and would need three headships to change from male to female to reach broad parity. It is the old universities that bring the average down with two thirds of the new entries on the list having female heads whereas 60% of the new universities who are new entries have male heads.

	No.		%	
	Male	Female	Male	Female
Old Universities	9	11	45%	55%
Russell Group	12	9	57%	43%
Post-92	23	18	56%	43%

Table 7. Gender balance of Law Schools by type of institution 2017 (83 institutions)

2.4. Position in Faculty

Law schools are diverse in many ways and not just in their composition, size and leadership. Under a third of them were authorised by the Solicitors Regulation Authority to provide the Legal Practice Course in 2017⁴⁸ and only four public universities featured among the twelve providers of the Bar Professional Training Course.⁴⁹ Some may focus more on a practical education and others on the social-legal context (for example). This is not the place for attempting a subjective categorisation of law schools on a vocational versus liberal orientation spectrum. However, ahead of the dawn of the SQE, which some fear may lead to an increasing professional (as opposed to broader educational) focus⁵⁰, it may be timely to note, objectively, the place of Law within higher education institutions and cross-tabulating that with the leadership gender data discussed above.

⁴⁸ <<https://www.sra.org.uk/students/courses/lpc-course-providers.page>> accessed 12 August 2017

⁴⁹ Bar Standards Board: BPTC Key Statistics Part 2: Key statistics by provider (full-time BPTC students) (June 2017) <www.barstandardsboard.org.uk/media/1836497/bptc_key_statistics_report_2017_-_part_2_-_full-time_students_by_bptc_provider.pdf> accessed 12 August 2017.

⁵⁰ E.g. Jessica Guth & Kathryn Dutton, SQE-ezed out: SRA, status and stasis, (2018) 52(4) The Law Teacher 425-438, 434 – 435.

There is no common organisational structure among UK universities and the number of faculties (if, indeed, the university has them) varies widely.⁵¹ Analysis of the diverse structure of universities is difficult as UK universities are prone to reorganisation and the landscape thus seems in continuous flux. However, taking a snapshot of English and Welsh law schools in 2017/18, shows that more often than not Law was housed within a faculty including business. If we focus in on the 76% of universities which had between three and six faculties then the picture shows a greater preference for placing law alongside business (with around two-thirds of such pre-92 universities and three-quarters of post-92 universities doing so). In terms of visibility within the faculty name, of those faculties including business and law 60% did not include law in title and 44% did not include business. Law's visibility is no greater when not situated alongside business (nor in a faculty of its own): 61% of such faculties do not include law in the title. Law is in its own discrete faculty in just over a sixth of the institutions looked at (which breaks down as 20% of the pre-1992 universities and 15.6% of the post-1992 universities). It remains to be seen whether the greater vocational focus of the SQE may see law schools more aligned with vocational business schools in the future but the above may act as a benchmark.

The gender balance of leadership is not evenly distributed. Unsurprisingly, the majority of both male and female heads of department work in faculties including business. 65% of male heads of department do so as do 56% of female heads of department. The figures for faculties excluding business are 24% and 18% respectively. Perhaps surprisingly, women comprise 66.6% of the heads of free-standing law schools, with just over one-in-four of schools led by women being freestanding. This may be a statistical quirk but is notable as leadership is likely to be more visible in such schools.

3. CONCLUSION

There are many potential changes ahead. The implementation of SQE gathers pace as we move towards its formal launch in the autumn of 2020. Law schools will need to consider their response (if any) to this regulatory change, alongside the need to fulfil the requirements

⁵¹ In a web survey carried out in 2014 by the authors the average number of faculties or similar level entities (including departments where there were no overarching faculties) was, in whole numbers, 6 but the standard deviation was 4.7 and the deviation has increased to 6.2 in 2017/18.

of Future Bar Training and the demand of the substantial number of law students who do not intend to qualify as a solicitor or barrister. Degree Apprenticeships may also affect the make-up of legal, and broader, academia in the future. The possibility of the return of fee-free higher education, a possibility which has markedly increased following the 2017 general election, may also impact on the legal education landscape;⁵² as, in the alternative may lesser fees if brought about following the Augur review.⁵³ Finally, the Teaching Excellence and Student Outcomes Framework (TEF), Research Excellence Framework (REF), and the new Knowledge Exchange Framework (KEF) may bring, or continue to bring, their own evolving imprint, not least in terms of the leadership of those exercises which has hitherto reflected the continued dominance of male academics in senior positions in old and Russell Group institutions as reported above.⁵⁴

Law students, lawyers and law schools come in many shapes and sizes – too myriad to be fully considered here. We support Vaughan’s call for “a more accurate numerical picture of what is going on in law schools...and further qualitative work to unpick the nuances and complexity of diversity and the legal academy.”⁵⁵ This article is intended to be just part of the painting of that wider picture by presenting topical snapshots in light of recent and future landmarks and pending changes. It is expected that further work will join the debate and, indeed, such work is necessary to ensure that the academy, and the legal profession, does not become complacent by the distance that has been travelled in some respects since Cownie’s and Wells’ works,⁵⁶ and to ensure that the diversity scholarship in the legal academy extends beyond narrow foci. More broadly, the time may now be right for a fuller survey of law schools ahead of what could be a new era for the legal academy.

⁵² *For the many not the few: the Labour Party Manifesto 2017* (p.43)

⁵³ See e.g. David Kernohan, ‘Taking is too easy: leaks from the Augur review’ *Wonkhe* (November 3, 2018) <<https://wonkhe.com/blogs/taking-is-too-easy-leaks-from-the-augar-review/>> accessed 29 March 2019; Graham Galbraith, ‘The Augur review should beware of pandering to political whim’ *THE* (March 14, 2019) <<https://www.timeshighereducation.com/opinion/augar-review-should-beware-pandering-political-whim>> accessed 14 March 2019.

⁵⁴ Whilst we know that the 2021 REF main panel chairs are split equally between men and women (notably all white British), only 41% of the 34 sub-panel chairs are women (including Law) (<<http://www.ref.ac.uk/news/2017/refmainpanelchairsannounced.html>> and <<http://www.ref.ac.uk/news/2017/spcannounced.html>> both accessed 20 January 2018). This represents an increase of only 8% on the 2014 figures reported by Vaughan (Steven Vaughan, ‘The state of the nation: diversity and the British legal academy’ (2016) 50(2) *The Law Teacher* 255, 258).

⁵⁵ Steven Vaughan, ‘The state of the nation: diversity and the British legal academy’ (2016) 50(2) *The Law Teacher* 255, 262.

⁵⁶ Fiona Cownie, “Women Legal Academics: A New Research Agenda?” (1998) 25 *Journal of Law and Society* 102-115 and Celia Wells, ‘Working out women in law schools’ (2001) 21 *Legal Studies* 116.

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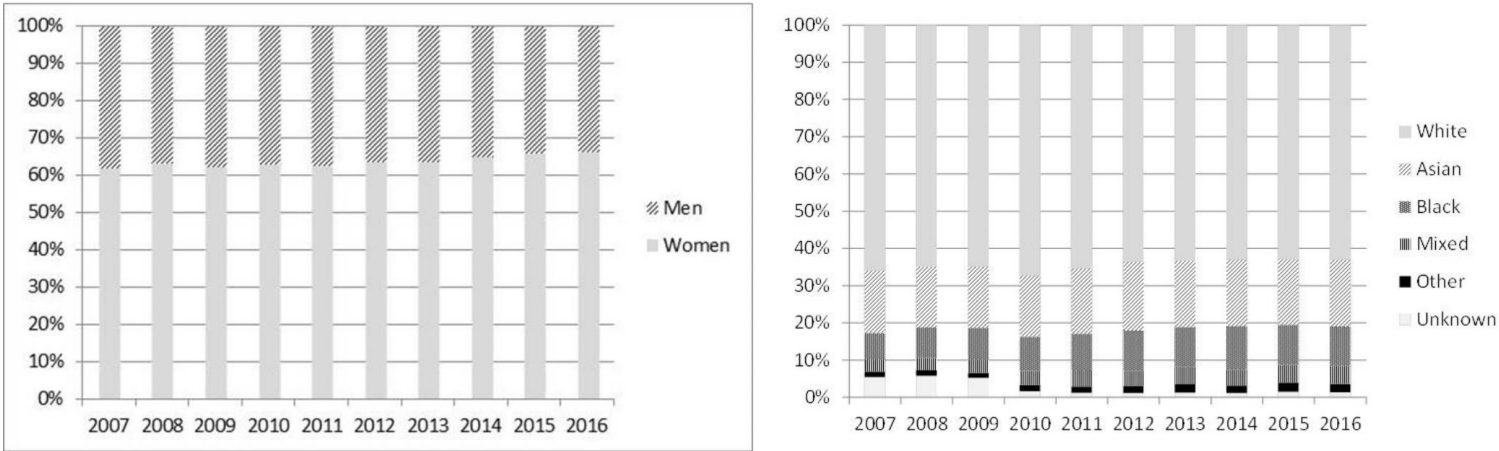


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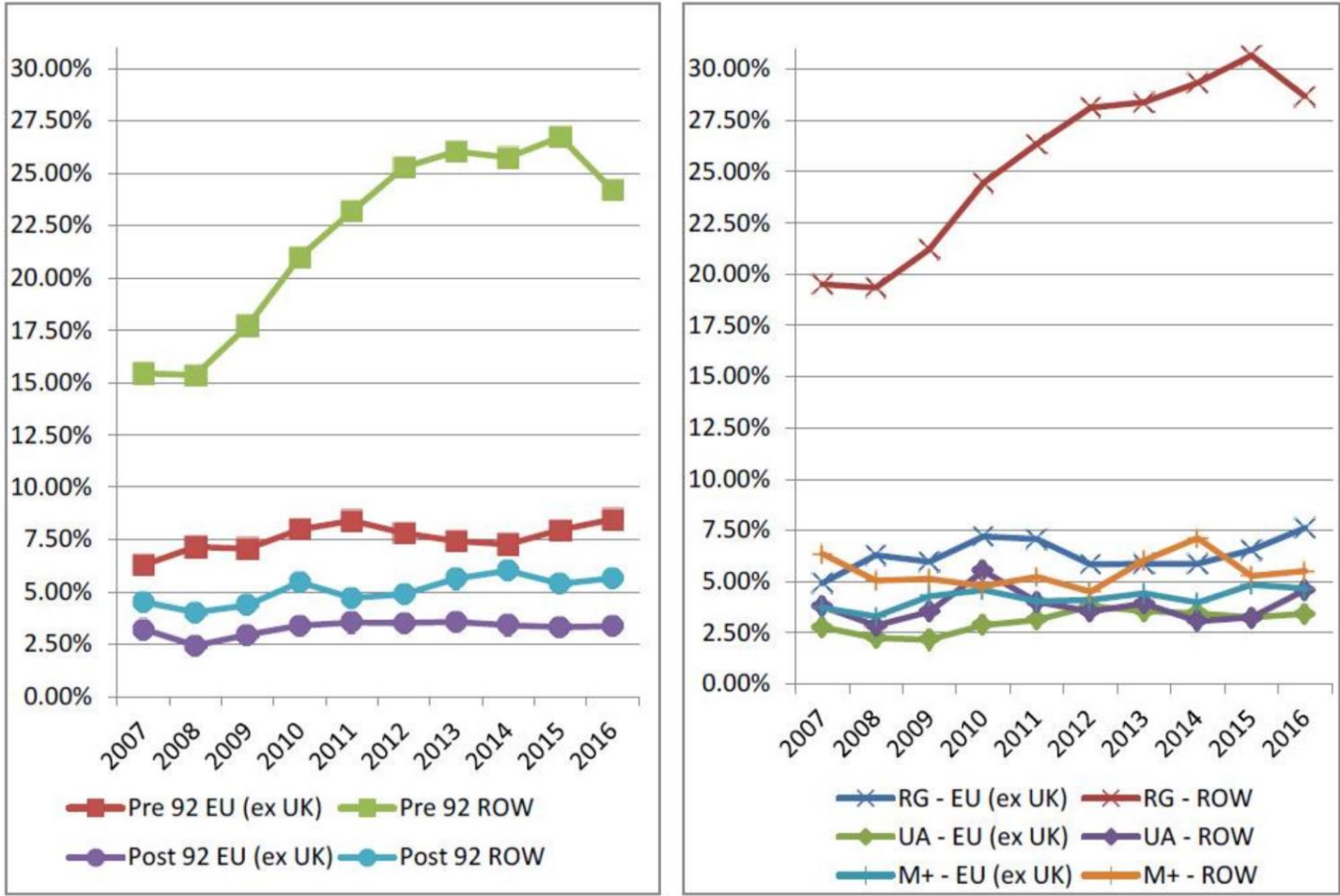


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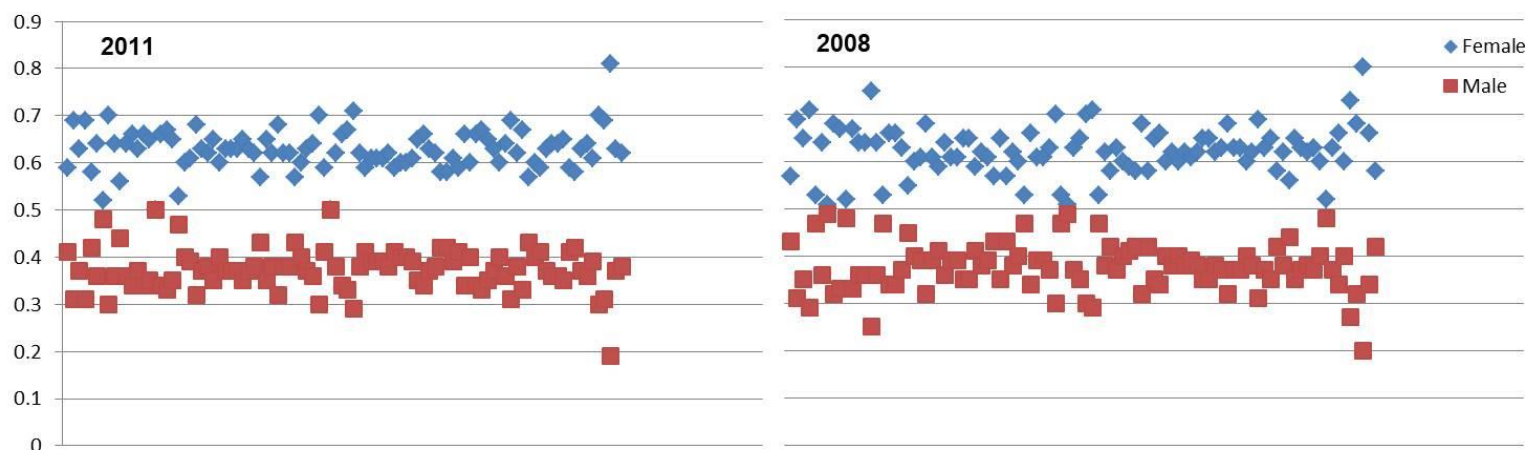


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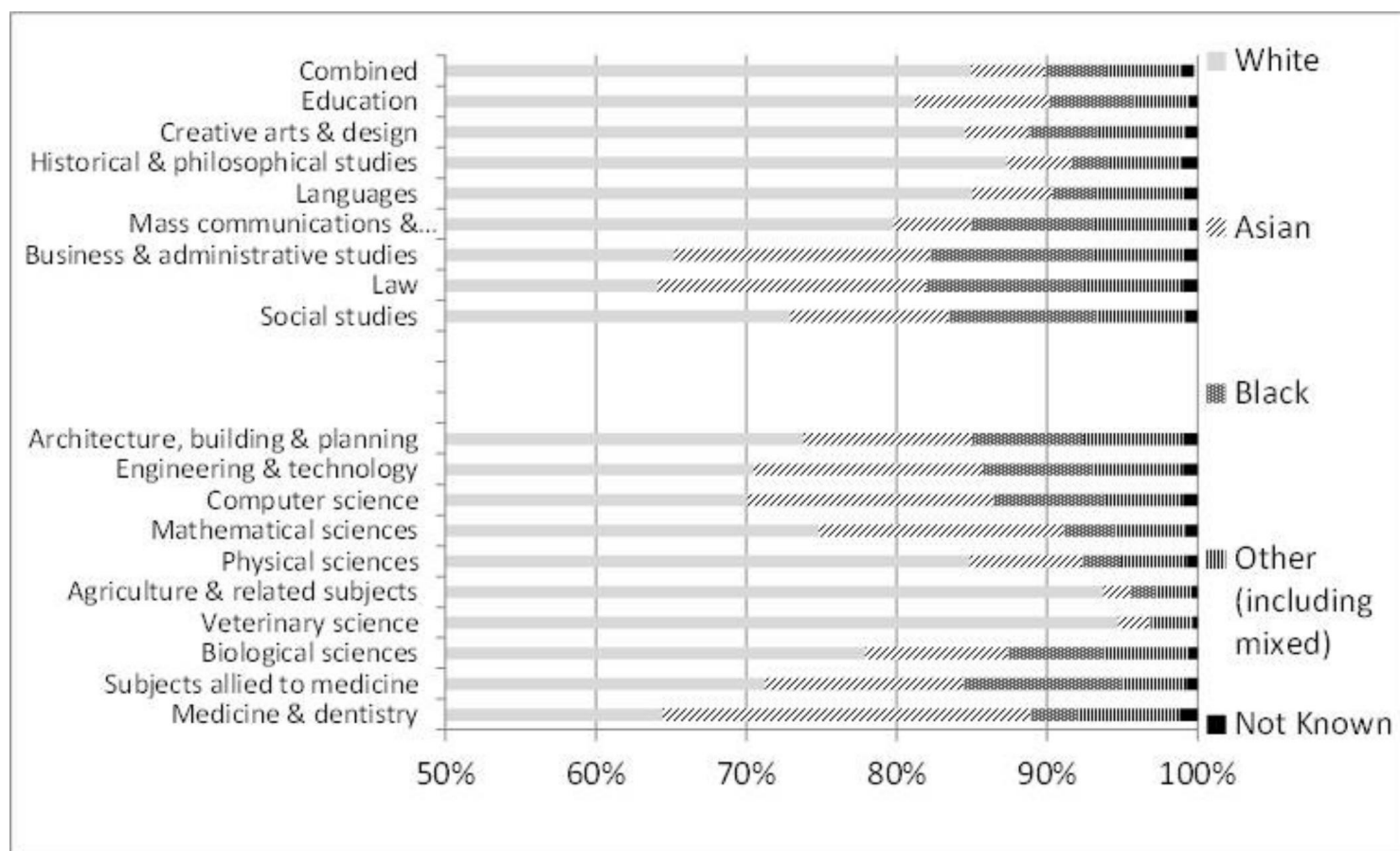


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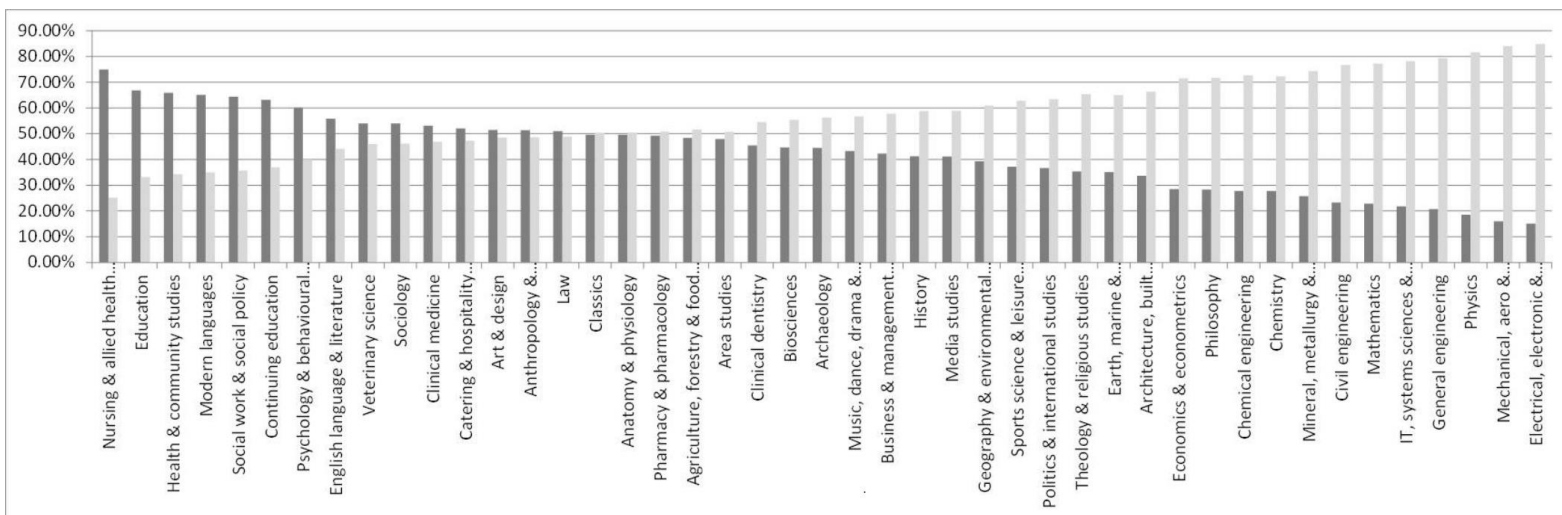


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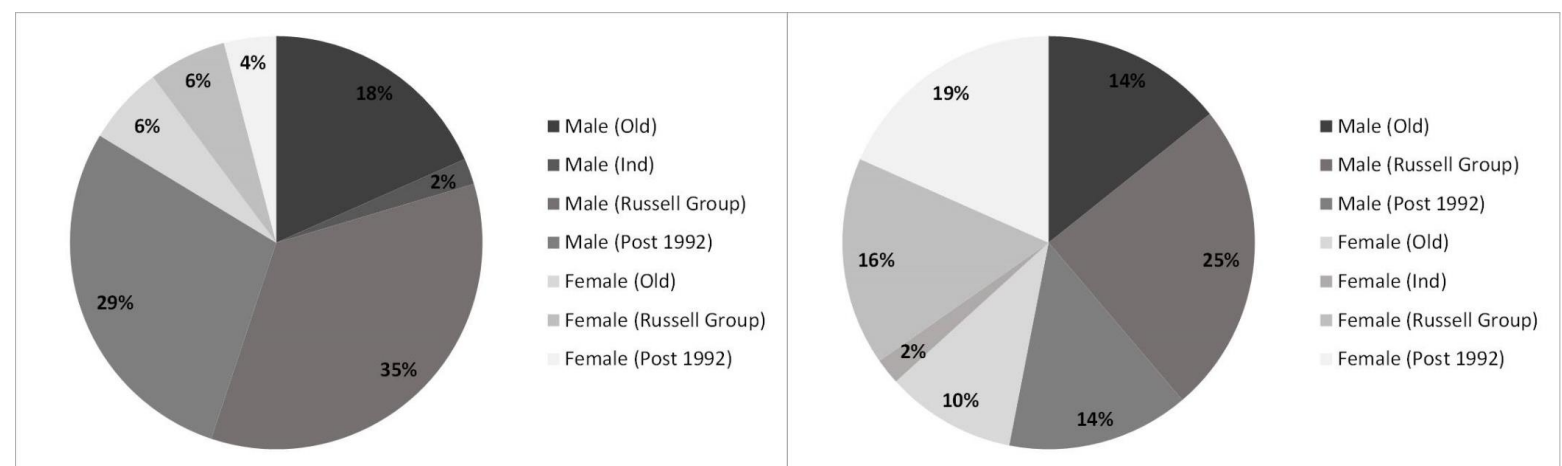


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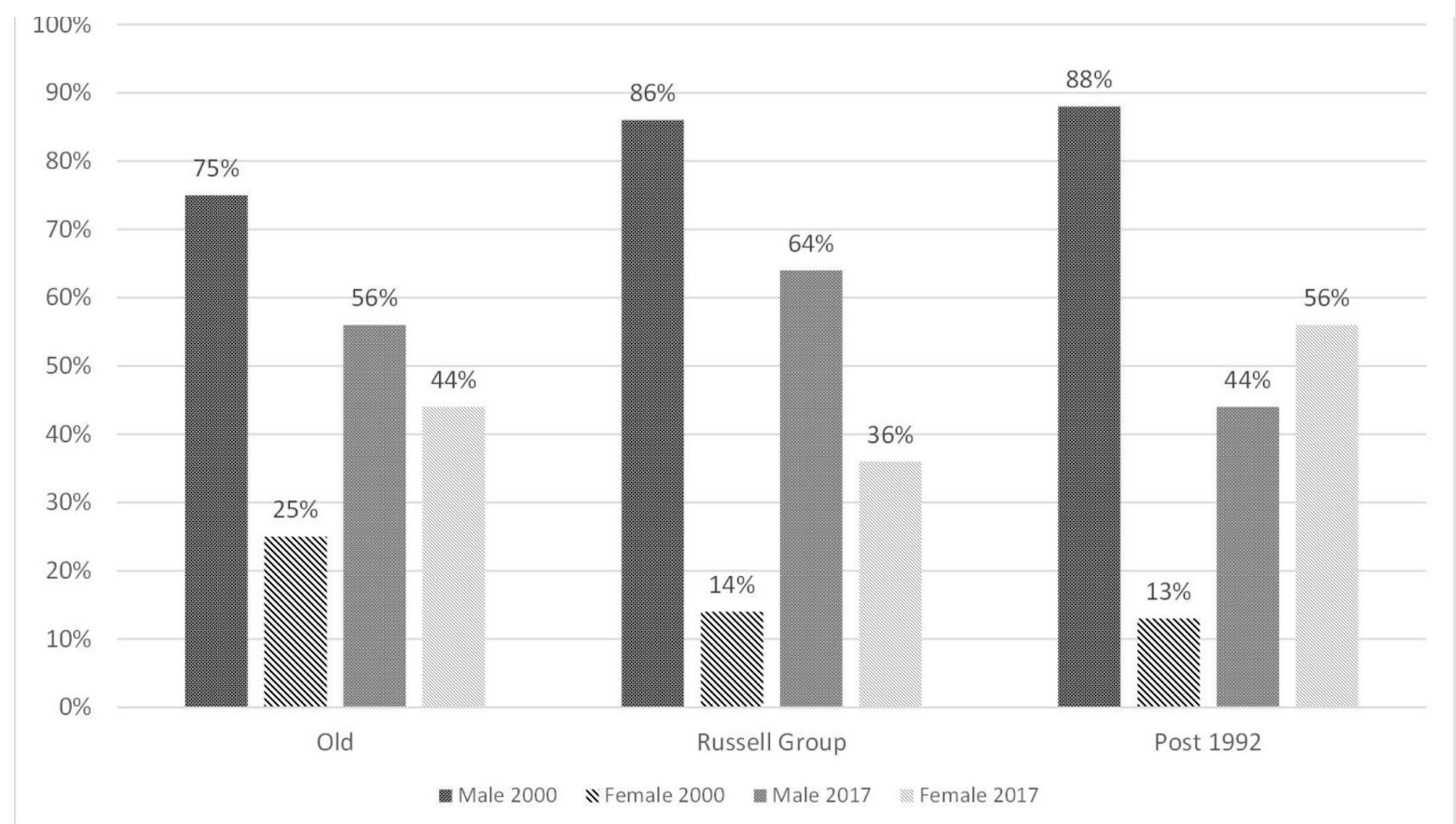


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